

**TWENTY-FOURTH LEGISLATIVE DAY
WEDNESDAY, FEBRUARY 4, 2004**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.

Absent and excused -- Bauer, Sali. Total -- 2.

Total -- 70.

Prayer was offered by Reverend Bruce Swanson.

The Pledge of Allegiance was led by Heather Callen, Page.

Approval of Journal

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-third Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

THE OFFICE OF THE GOVERNOR
EXECUTIVE DEPARTMENT
BOISE, IDAHO

CERTIFICATE OF APPOINTMENT

KNOW ALL MEN, by these Presents that Jim Clark, State Representative, District 3, House Seat A, Kootenai County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Mike Jorgenson, of Hayden Lake, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Mike Jorgenson, Acting State Representative, District 3, House Seat A, Kootenai County, State of Idaho, for a term commencing on Wednesday, February 4, 2004, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 2nd day of February in the year of our Lord two thousand and four, and of the Independence of the United States of America, the two hundred and twenty-eighth year.

/s/ DIRK A. KEMPTHORNE
Governor
/s/ BEN YSURSA
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Mr. Jorgenson.

Report of Standing Committees

February 5, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 602, H 603, H 604, H 605, H 606, H 607, and H 608**.

FIELD(18), Chairman

H 602 and **H 603** were referred to the Education Committee.

H 604 was referred to the Transportation and Defense Committee.

H 605 was referred to the Health and Welfare Committee.

H 606, H 607, and H 608 were referred to the State Affairs Committee.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 504** and **H 514**.

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 504** and **H 514**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 3, 2004

Mr. Speaker:

We, your COMMITTEE ON BUSINESS, report that we have had under consideration **H 484, H 485, H 522, H 523, and H 524** and recommend that they do pass.

BLACK, Chairman

H 484, H 485, H 522, H 523, and H 524 were filed for second reading.

February 3, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 586, H 588, and H 518** and recommend that they do pass.

FIELD(18), Chairman

H 586, H 588, and H 518 were filed for second reading.

February 3, 2004

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have had under consideration **H 572** and recommend it be referred to the Health and Welfare Committee.

FIELD(18), Chairman

H 572 was referred to the Health and Welfare Committee.

February 4, 2004

Mr. Speaker:

We, your COMMITTEE ON STATE AFFAIRS, report that we have had under consideration **H 500, H 564, H 563, H 562, H 561, H 560, H 559, and H 558** and recommend that they do pass.

DEAL, Chairman

H 500, H 564, H 563, H 562, H 561, H 560, H 559, and H 558 were filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference of Bills and Joint Resolutions

HOUSE BILL NO. 609 BY JUDICIARY, RULES, AND ADMINISTRATION COMMITTEE AN ACT

RELATING TO SENTENCING IN CAPITAL CASES; AMENDING SECTION 19-2515, IDAHO CODE, TO PROVIDE THAT CERTAIN EVIDENCE CONCERNING THE VICTIM AND THE IMPACT OF THE DEATH OF THE VICTIM IS RELEVANT AND ADMISSIBLE AND TO PROVIDE THAT CHARACTERIZATIONS AND OPINIONS ABOUT THE CRIME, THE DEFENDANT AND THE APPROPRIATE SENTENCE SHALL NOT BE PERMITTED AS PART OF ANY VICTIM IMPACT EVIDENCE.

H 609 was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

H 480, by Naccarato, was read the second time by title and filed for third reading.

H 551 and H 553, by Health and Welfare Committee, were read the second time by title and filed for third reading.

H 509 and H 539, by State Affairs Committee, were read the

second time by title and filed for third reading.

H 477, H 478, H 479, and H 481, by Revenue and Taxation Committee, were read the second time by title and filed for third reading.

S 1239, by Finance Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

HCR 36 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Ellsworth to open debate.

The question being, "Shall **HCR 36** be adopted?"

Whereupon the Speaker declared **HCR 36** adopted by voice vote and ordered the resolution transmitted to the Senate.

H 510 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Ms. Jaquet to open debate.

The question being, "Shall **H 510** pass?"

Roll call resulted as follows:

AYES -- Andersen, Bedke, Bell, Black, Block, Boe, Bolz, Campbell, Cannon, Clark(Jorgenson), Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Jones, Kellogg, Lake, Langford, Langhorst, Martinez, McGeachin, Meyer, Miller, Mitchell, Naccarato, Nielsen, Pasley-Stuart, Raybould, Ridinger, Ring, Roberts, Rydalch, Saylor, Shepherd, Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Mr. Speaker. Total -- 53.

NAYS -- Barrett, Bayer, Bradford, Collins, Crow, Eberle, Harwood, Kulczyk, McKague, Moyle, Ringo, Schaefer, Wood. Total -- 13.

Absent and excused -- Barraclough, Bauer, Robison, Sali. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 510** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that **HJR 4** retain its place on the Third Reading Calendar until Monday, February 9, 2004. There being no objection, it was so ordered.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Moyle moved that the House adjourn until 11:15 a.m., Thursday, February 5, 2004. Seconded by Mrs. Boe. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:30 a.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk